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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 JOSEPH OLIVE an Individual,
9 BARBARA CHILDERS, an Individual,
10 CYNTHIA DIPINO, an Individual,
11 JULIET PINEDA, an Individual,
12 CAROL S THOMPSON, an Individual,
13 JOAN OLIVER, an Individual,
14 JANE DOES I-X,
15 and JOHN DOES I-X
16 Plaintiffs,

17 v.

18 VERIZON WIRELESS SERVICES, LLC.,
19 a Delaware Corporation
20 ROGER FERNANDEZ,
An Individual
MATEO PATRICK YLANAN,
An Individual,
DOES I-X,
ROE CORPORATIONS I-X,

Defendants.

Case No.: 2:24-cv-00053-JCM-DJA

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUEST]**

21 Under Fed. R. Civ. P. 26(f) and Local Rules of Practice for the United States District
22 Court for the District of Nevada 26-1(a)-(b), Plaintiffs, JOSEPH OLIVE, BARBARA
23 CHILDERS, CYNTHIA DIPINO, JULIET PINEDA, CAROL S THOMPSON, and JOAN
24 OLIVER (“Plaintiffs”), by and through their attorney WESTLEY U. VILLANUEVA, ESQ. of
25 WUV FIRM, LLC and Defendants Verizon Wireless Services, LLC and Mateo Patrick Ylanan
26 (“Defendants”), by and through their counsel of record, MARVIN C RUTH of COPPERSMITH
27
28

1 BROCKELMAN PLC conducted a discovery-planning conference on February 5, 2024 and
2 hereby submit to the court the following proposed discovery plan. Additionally, in compliance
3 with LR 26-1 (a)-(b), the parties request a special scheduling review, and the following provides
4 a statement of the reasons why longer or different time periods should apply to the case.
5

6 Defendant Roger Fernandez has not been served yet and has not participated in the preparation
7 of this report.

8 **I.**

9 **PRIOR PROCEEDINGS**

10 **A. DATE OF FILING OF ANSWER BY FIRST ANSWERING DEFENDANT**

11 January 11, 2024

13 **B. DATE THE FED.R.CIV.P.26(F) CONFERENCE WAS HELD**

14 February 5, 2024

15 **II.**

16 **DISCOVERY PLAN PURSUANT TO FED.R.CIV.P. 26(f)(3)**

18 **A. WHETHER CHANGES, IF ANY, SHOULD BE MADE IN TIMING, FORM, OR**
19 **REQUIREMENTS FOR DISCLOSURE UNDER FED.R.CIV.P. 26(A)**

20 **1. Parties' view:**

21 Two weeks after the Rule 16 conference or after the Court enters a scheduling
22 order.

24 **B. SUBJECTS ON WHICH DISCOVERY MAY BE NEEDED, WHEN DISCOVERY**
25 **SHOULD BE COMPLETED, AND WHETHER DISCOVERY SHOULD BE**
26 **CONDUCTED IN PHASES OR BE LIMITED TO OR FOCUSED ON**
27 **PARTICULAR ISSUES:**

1 **1. Parties' view:**

2 i. Discovery will consist of facts, documents and witnesses relating to
3 Plaintiff's claims for (a) unjust enrichment, (b) fraud, (c) Violation of NRS
4 205.380, (d) violation of NRS 598 et al., (e) negligent hiring, (f) negligent
5 training and supervision, (g) negligent retention, (h) violation of the
6 Federal Fair Credit Reporting Act (FCRA), and Defendant's defenses
7 thereto.

8 ii. Discovery should be completed on October 2, 2024 allowing 265 days for
9 discovery.

10 iii. Discovery in this matter does not need to be conducted in phases.

11

12 **C. WHETHER ISSUES EXIST REGARDING DISCLOSURE OR DISCOVERY OF**
13 **ELECTRONICALLY STORED INFORMATION, INCLUDING THE FORM OR**
14 **FORMS IN WHICH IT SHOULD BE PRODUCED**

15

16 **1. Parties' view**

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18 The parties do not anticipate the need for electronically stored information at this
19 time.

20

21

22 **D. WHETHER ISSUES EXIST REGARDING CLAIMS OF PRIVILEGE OR OF**
23 **PROTECTION AS TRIAL-PREPARATION MATERIALS, INCLUDING – IF**
24 **THE PARTIES AGREE ON A PROCEDURE TO ASSERT THESE CLAIMS**
25 **AFTER PRODUCTION – WHETHER TO ASK THE COURT TO INCLUDE**
26 **THEIR AGREEMENT IN AN ORDER UNDER FEDERAL RULE OF EVIDENCE**
27 **502.**

28

1 **1. Parties' view:**

2 Not at this time.

3 **E. WHETHER, IF ANY, OTHER ORDERS SHOULD BE ENTERED BY THE**
4 **COURT UNDER RULE 26(C) OR RULE 16(B) AND (C)**

5 **1. Plaintiff's view:**

6 Not at this time.

7 **2. Defendant's view:**

8 Defendant anticipates the need for a protective order in aid of discovery and will
9 circulate a proposed stipulation to Plaintiffs' counsel regarding same.
10

11 **III.**

12 **DISCOVERY PLAN AND MANDATORY DISCLOSURES PURSUANT TO LR 26-1(B)**

13 **A. A STATEMENT OF THE REASONS WHY LONGER OR DIFFERENT TIME
14 PERIODS SHOULD APPLY TO THE CASE OR, IN CASES IN WHICH THE
15 PARTIES DISAGREE AS TO THE FORM OR CONTENTS OF THE
16 DISCOVERY PLAN, A STATEMENT OF EACH PARTY'S POSITION ON
17 EACH POINT IN DISPUTE PURSUANT TO LR 26-1(a)**

18 **a. Plaintiff's view:**

19 Plaintiff requests 265 days for discovery due to the number of plaintiffs/witnesses
20 who are elderly and the number of claims at issue. Extended discovery provides
21 those elderly Parties additional time period to complete necessary discovery.
22

23 **b. Defendant's view:**

24 Defendants agree that in this instance the proposed deadlines are necessary.
25

**B. FORM OF STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER
PURSUANT TO LR 26-1(b)(1)-(6)**

	LR 26-1(b)(1-6) Deadlines	Date
1.	Discovery Cut-Off Date	October 2, 2024
2.	Amending the Pleadings and Adding Parties (LR 26-1(e)(2)) <i>(Not later than 90 days before close of discovery)</i>	July 2, 2024
3.	Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) <i>(Not later than 60 days before close of discovery)</i>	August 1, 2024
4.	Fed. R. Civ. P. 26(a)(2) Rebuttal Disclosures <i>(Not later than 30 days after initial disclosure of experts)</i>	September 3, 2024
5.	Dispositive Motions (LR 26-1(e)(4)) <i>(Not later than 30 days after Discovery cut-off date)</i>	November 1, 2024
6.	Joint Pretrial Order and Fed. R. Civ. P. 26(a)(3) Disclosures <i>(Not later than 30 days after dispositive-motion deadline)</i>	December 2, 2024

C. CERTIFICATION OF DISPUTE RESOLUTION CONFERENCE

The undersigned certify that they met and conferred about the possibility of using alternative dispute-resolution process.

D. ELECTRONIC EVIDENCE DISPOSITION

A jury trial has been demanded and the undersigned certify that they discussed whether the parties intend to present evidence in electronic format to jurors for the purposes of jury deliberations, and the following stipulations were reached regarding providing discovery in an electronic format compatible with the court's electronic jury evidence display system: None at this time.

1 **E. CERTIFICATION RE: ALTERNATIVE FORMS OF CASE DISPOSITION**

2 The parties certify that they considered consent to trial by a magistrate judge under 28
3 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order
4 2013-01). The parties do not consent to trial by a magistrate judge or use of the Short Trial
5 Program at this time.
6

7 **APPROVED AS TO FORM AND CONTENT:**

8
9 **DATED February 23, 2024**

10 Respectfully submitted,

11 **WUV FIRM LLC**

12 /s/ Westley U. Villanueva, Esq.

13 By:

14 Westley U. Villanueva, Esq.
15 NV State Bar No. 8708
16 6767 W Tropicana, 2nd Floor
17 Las Vegas, NV 89103
18 Attorney for Plaintiffs

19 **DATED February 23, 2024**

20 **COPPERSMITH BROCKELMAN PLC**

21 /s/ Marvin C. Ruth, Esq.

22 By:

23 Marvin C. Ruth, Esq.
24 Nevada Bar No. 10979
25 2800 North Central Ave, Suite 1900
26 Phoenix, AZ 85004
27 Attorneys for Defendants

28 **ORDER**

1 IT IS SO ORDERED:

2 DATED: 2/26/2024.

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1 UNITED STATES MAGISTRATE JUDGE